

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
DETROIT DIVISION**

In Re:	Case No. 21-40616
Elizabeth Ann Carrington	Chapter 7
Debtor.	Judge Mark A. Randon

**DEBTOR'S RESPONSE TO THE AMENDED MOTION FOR RELIEF FROM
AUTOMATIC STAY AS TO PROPERTY KNOWN AS 20066 BRIARCLIFF RD.,
DETROIT, MI 48221**

Now comes Debtor, Elizabeth Carrington and her response to the Amended Motion for Relief from the Automatic Stay:

1. This action is commenced pursuant to 11 U.S.C. §361, 362, 363 and other sections of title 11 of the Bankruptcy Code. **DEBTOR NEITHER ADMITS NOR DENIES THIS STATEMENT.**
2. Elizabeth Ann Carrington ("Debtor") filed a Chapter 13 petition on January 25, 2021. The case converted to a Chapter 7 on August 18, 2021. **DEBTOR ADMITS.**
3. Pursuant to the provisions of 11 U.S.C. §362(a), Debtor's Chapter 7 filing operates as an automatic stay against the Movant's rights as a secured creditor to proceed against the property located at 20066 BRIARCLIFF RD., DETROIT, MI 48221. (A copy of the Movant's proposed order is attached as "Exhibit A"). **DEBTOR NEITHER ADMITS NOR DENY AND LEAVE MOVANT TO ITS PROOF.**
4. On April 30, 2004, the non-filing obligor Derak T. Carrington did execute and deliver to the original lender a certain note in the amount of \$198,570.00. A copy of the Note endorsed in blank is attached as "Exhibit B." **DEBTOR NEITHER ADMITS NOR DENIES AS TO THIS STATEMENT.**
5. To secure payment of the Note referenced in paragraph four hereof, the non-filing obligor Derak T. Carrington, and the Debtor Elizabeth A. Carrington executed and delivered to the original lender a certain mortgage dated April 30, 2004, thereby granting a security interest in the property located at 20066 BRIARCLIFF RD., DETROIT, MI 48221. A copy of the recorded mortgage and all recorded assignments is attached as "Exhibit C." **DEBTOR NEITHER ADMITS NOR DENIES AS TO THIS STATEMENT.**
6. The mortgage referenced in paragraph five was perfected by filing the mortgage with the

Wayne County Recorder's Office in Liber 40634, Page 288. **DEBTOR NEITHER ADMITS NOR DENIES AS TO THIS STATEMENT.**

7. There remains due and owing on the note and mortgage referenced above, the sum of \$383,973.75.

DEBTOR DENIES. THE RE WAS A QUIET TITLE CASE HELD IN THE WAYNE COUNTY THIRD CIRCUIT COURT AS TO THE VALIDITY OF A MORTGAGE AND A FORECLOSURE SALE. THE JUDGE RULED IN FAVOR OF THE DEBTOR AND DERA K T CARRINGTON. THE MORTGAGE AND FORECLOSURE SALE WAS INVALID. SEE EXHIBIT A. THEREFORE, NO FURTHER MORTGAGE STATEMENTS FOR PAYMENTS WERE SENT TO THE DEBTOR NOR MR. CARRINGTON SINCE 2010 IN RELATION TO THE SUBJECT PROPERTY.

8. Movant has not been adequately protected by periodic payments or otherwise, and there are arrearages of \$244,311.11 for the months of August 1, 2010 through current, plus late charges. **DEBTOR DENIES AND LEAVE MOVANT TO ITS PROOFS.**
9. Movant believes the property has a value of \$290,000.00 according to the Debtor's schedules and that there is no equity in the property, and that said property is therefore of no value or of inconsequential value to the estate. **DEBTOR NEITHER ADMIT NOR DENY THIS STATEMENT.**
10. The Debtor asserts an equitable interest in the property, and currently resides in the property. **DEBTOR ADMITS.**
11. Concurrence from the Chapter 7 Trustee was sought by Movant's counsel on October 15, 2021 and concurrence was not able to be obtained from all parties. **DEBTOR HAS NO KNOWLEDGE OF THIS STATEMENT.**
12. Continuation of the automatic stay will work real and irreparable harm to the Movant and will deprive it of the adequate protection to which it is entitled for the following reasons, among others: **DEBTOR DENIES AND LEAVES MOVANT TO ITS PROOFS.**
- a. Debtors may be without the funds necessary to preserve and maintain the property in good condition,
 - b. The condition and value of the property is decreasing,
 - c. Interest continues to accrue on the Movant's claim against the Debtors and the Debtors' contract is more than 135 months in arrears.
- DEBTOR DENIES AND LEAVES MOVANT TO ITS PROOFS.**
13. Movant is entitled to relief from the automatic stay to recover possession of the property and foreclose its lien rights. **DEBTOR DENIES AS MOVANT DOES NOT HAVE STANDING TO FORECLOSE AS DEBTOR DOES NOT HAVE A MORTGAGE WITH THE MOVANT.**

WHEREFORE, Debtor prays this honorable Court **DENY** Movant's motion for the automatic stay to be lifted to permit the Movant to enforce its security interest in the property located at 20066 BRIARCLIFF RD., DETROIT, MI 48221.

Respectfully Submitted,

/s/ Elizabeth Carrington

Debtor

20066 Briarcliff Rd

Detroit, MI 48221

EXHIBIT A

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

FEDERAL HOME LOAN MORTGAGE
CORPORATION,

Plaintiff/Appellee,

Case No. 11-003986-AV

Hon. Robert L. Ziolkowski

CVA POTC

vs.

ELIZABETH A. CARRINGTON, DERA K T.
CARRINGTON and all other occupants of
20066 Briarcliff, Detroit, Michigan 48221,
Defendants/Appellants.

ORDER

At a session of court held in the courthouse in the
City of Detroit, Coleman A. Young Municipal Bldg. on October 18, 2012

PRESENT: HON. ROBERT L. ZIOLKOWSKI,
CIRCUIT COURT JUDGE

WHEREFORE, Defendant/Appellant asks this Court in an appeal from the 36th District
Court to rescind and set aside the sheriff sale and vacate the foreclosure and order of possession,

THE COURT finding that Defendant/Appellant Appeal is **GRANTED**.

IT IS HEREBY ORDERED that Defendant/Appellant Appeal is **GRANTED**

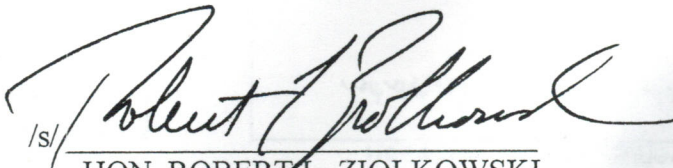
IT IS FURTHER ORDERED that the judgment of possession dated March 23, 2011 and
entered in the 36th District Court is set aside.

IT IS FURTHER ORDERED the foreclosure is invalid,

IT IS FURTHER ORDERED the Sheriffs sale is vacated.

NOV 07 2012

Date

/s/ 
HON. ROBERT L. ZIOLKOWSKI,
CIRCUIT COURT JUDGE

